IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 16337 of 2006

DATE OF DECISION : 13.10.2006

Madhu Rekha

.....PETITIONER

VERSUS

State of Haryana and others.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE M.M.S.BEDI

PRESENT: Mr.Sanjiv K Tamak, Advocate for petitioner.

M.M.KUMAR,J.

The prayer made in this wit petition by the petitioner is that order dated 8.9.2006 (Annexure P-6) cancelling the transfer earlier made on 22.8.2006 (Annexure P3) is liable to be set aside as the respondents do not enjoy any power to cancel the transfer. In support of his submission learned counsel has placed reliance on the judgment of the Patna High Court in **Mahmood Azam Siddique vs State of Bihar 2001(2) S.C.T. 302**, wherein it is held that once the order of transfer has been acted upon then the same cannot be cancelled subsequently as the State Government do not have any jurisdiction to do so. However, we find that once the authorities have powers to issue order of transfer then it would prima facie imply that they enjoy powers to cancel the same. It cannot be laid down as a principle of

law that the transfer order once issued cannot be cancelled even if the employee has joined at the transferred place. The petitioner has already submitted his representation dated 3.10.2006 (Annexure P-8) to the respondents. The same shall be considered and decided by the respondents in accordance with law within a period of three month from the date a certified copy of the order is presented to them. It shall be appreciated if a speaking order is passed.

The writ petition stands disposed of in the above terms.

(M.M.KUMAR)
JUDGE

October 13 ,2006
TSM

(M.M.S.BEDI)
JUDGE